Supreme Court, U.S.
FILED

(1) 021839 JUN 16 2003

No. 02-

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 2002

WILLIAM LEE BOWERSOCK,
Petitioner,

v.

JOYCE A. BOWERSOCK,
Respondent.

On Petition for a Writ of Certiorari
To The Supreme Court of Ohio

PETITION FOR A WRIT OF CERTIORARI

William Lee Bowersock, pro se
In Propria Persona
1806 Lakewood Avenue
Lima, Ohio 45805-3105
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Of Counsel:

Paul D. Rizor
1045 MacKenzie Drive
Lima, Ohio 45805-1660

32 pp

QUESTIONS PRESENTED FOR REVIEW

Is a court at liberty to deny due process at law?

Can a court deny petitioner's rights provided for via State statutory law of retirement life, liberty, and property in retirement benefits without just cause?

LIST OF PARTIES

The Parties herein:

Joyce A. Bowersock.....Plaintiff

William Lee Bowersock.....Defendant

TABLE OF CONTENTS

Page

Questions presented for review.....i

List of parties.....ii

Table of Contents.....iii

Opinions below.....1

Jurisdiction.....2

Statement of the Case.....3

Reason for Granting the Writ.....3

Conclusion..... 3

Petition Signature.....4

Certification of Service.....4

Appendix

In The
SUPREME COURT OF THE UNITED STATES
October Term, 2002

WILLIAM LEE BOWERSOCK,
Petitioner,

versus

JOYCE A. BOWERSOCK,
Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

William Lee Bowersock, pro se in propria persona albeit physical disabilities within petitions for a writ of certiorari to review the order/judgment entry of The Supreme Court of Ohio entered in this case on date of March 19, 2003 for reconsideration. The Supreme Court of Ohio had dismissed appeal on January 29, 2003. The Court of Appeals for the Third Appellate Judicial District for Allen County, Ohio had dismissed appeal on September 5, 2002, prior to the assigned oral argument.. The Court of Common Pleas Domestic Relations Division ordered denying petition for division of property on May 3, 2002. The Court of Common Pleas Domestic Relations Division ordered denying with a judgment entry on June 27, 2002.

The jurisdiction of the Supreme Court of the United States is conferred by Rules 12, 13, and 14 of the Supreme Court of the United States of America and by Title 28 USC section 1254, by Title 42 USC section 1981, by Title 42 USC section 1983, and by the 14th Amendment to the Constitution of the United States.

Petitioner is a citizen of the United States of America with birth in Michigan and reside in Ohio.

It is fair to expect the Court has jurisdiction herein.

STATEMENT OF THE CASE

It is OK to change your mind when the facts change. When the facts at law change, it shall change your mind. Some persons are of course stubborn or arrogant at worst to resist change. Patience and persistence are virtues. It is other than necessary to be poor because a court and a counsel has a control over the purse strings and refuse to let-go. When the law says it is time to let-go it shall be time to let-go. Judge in Domestic Relations wants to go so far as to control the time of day. According to Judge when he says it's a time of day, it's that time of day. How is a pro se litigant supposed to argue with a judge? My expectation is that even the good creator has little of knowing what time it is other than all the things are on time whether it be time for life on Earth or time for life on Mars. In this case it's time for retirement life.

The Ohio Legislature envisioned that it was prudent for distribution of the State Teacher's Retirement System A.k.a.(STRS) accounts to avoid this situation where one spouse would dump the other after lifetime of marriage and go South with all of the retirement benefits. Thus, the STRS

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Division of Property Order, A.k.a. (DOPO) was enacted and started into effect on January 1, 2002. The STRS/DOPO is at once precisely what this case is all about. At through issuance of the writ, the case eventually needs to be remanded back into the Domestic Relations Court for their Clerk to forward a certified DOPO to the STRS in Columbus, Ohio.

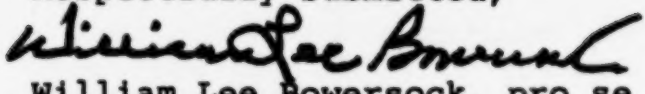
REASON FOR GRANTING THE WRIT

It is gross abuse of justice for a court to deny that which has been now meritoriously earned in the retirement benefits as has been done by the courts herein toward the petitioner. Petitioner has suffered economic harm and loss of economic benefit accompanying deprived rights of retirement life, liberty, and property. Evidence in the Domestic case prior will show there never was as is a requirement of Ohio law division of the property. And, accordingly there shall be no divorce without the division of property. Both the Judge in Domestic Relations and the counsel have specialized in this area of law for years and should be professional smart enough to recognize the lack of a division of the property. It is other than fair to now or thence prior to subject petitioner to a pie in the sky justice.

CONCLUSION

For the above reason herein the petitioner respectfully requests that his petition for writ of certiorari now be granted.

Respectfully submitted,



William Lee Bowersock, pro se
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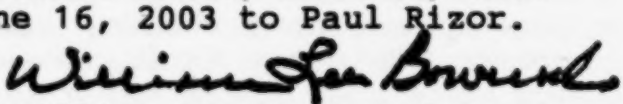
CERTIFICATION OF SERVICE

This is to hereby certify that a copy of the foregoing PETITION FOR WRIT OF CERTIORARI has been served upon respondent Joyce A. Bowersock, by mailing ordinary first class of United State Postal Service to counsel at the address 1045 MacKenzie Drive, in Lima, Ohio 45805-1660 on June 16, 2003 to Paul Rizor.



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APPENDIX

APPENDIX

Order denying reconsideration
Supreme Court of Ohio, March 19, 2003.....A1

Order dismissing appeal by Supreme
Court of Ohio, January 29, 2003.....A2

Order denying reconsideration,
overruling motion with Judgment Entry
by Allen Common Pleas Domestic Relations
Court, June 27, 2002.....A3

Order denying petition for division of
property, with Judgment Entry by Allen
Common Pleas Domestic Relations Court
May 3, 2002.....A4

Order dismissing appeal by Court Appeals
Third Appellate Judicial District, Allen
County, Ohio, September 5, 2002.....A6

Assignment for oral argument by Court
Appeals Third Appellate Judicial District
Allen County, Ohio, August 20, 2002.....A8

Assignments for September 10, 2002.....A9

Brief of Appellant, August 5, 2002.....A10

Appellant's motion for reconsideration
to Supreme Court of Ohio
February 10, 2003.....A14

Excerpts from Title 28 USC
Section 1254.....A17

Excerpts from Title 42 USC
Section 1981.....A18

Excerpts from Title 42 USC
Section 1983.....A19

Excerpt from Constitution of U.S.
Amendment XIV.....A20

THE SUPREME COURT OF OHIO

Joyce Bowersock, Appellee,	:	Case No. 02-1818
v.	:	RECONSIDERATION ENTRY
William Lee Bowersock Appellant	:	(Allen County)

IT IS ORDERED by the Court that the motion for reconsideration in this case be, and hereby is, denied.

(Court of Appeals No. 10255)

/s/ THOMAS J. MOYER
Chief Justice

FILED Stamped: MAR 19 2003

THE SUPREME COURT OF OHIO

Joyce Bowersock, Appellee,	:	Case No. 02-1818
v.	:	ENTRY
William Lee Bowersock Appellant.	:	

Upon consideration of the jurisdictional memoranda filed in this case, the Court declines to hear the case and dismisses the appeal as not involving any substantial constitutional question.

COSTS:

Docket Fee, $40.00, paid by Wm. L. Bowersock.

(Allen County Court of Appeals; No. 10255)

/s/ THOMAS J. MOYER
Chief Justice

FILED Stamped JAN 29 2003

A3

IN THE COURT OF COMMON PLEAS
ALLEN COUNTY, OHIO

JOYCE BOWERSOCK

Plaintiff

vs. DR97 01 0040

WILLIAM LEE BOWERSOCK

Defendant

Judgment Entry
Overruling Motion

This matter is before the Court upon the motion for reconsideration filed on June 14, 2002.

The Court will find there is no such recognized pleading as a motion for reconsideration, however, irrespective of that fact, the Court in addressing the merits set forth in the June 14, 2002 motion would find there are no additional circumstances or points of law of merit beyond those raised in Mr. Bowersock's May 3, 2002 motion which this Court overruled in the Judgment Entry of May 23, 2002.

The Court will indicate that the June 14, 2002 motion shall also be overruled at the cost of William lee Bowersock.

Judgment for costs.

IT IS SO ORDERED.

/s/ Matt C Staley
JUDGE, MATT C. STALEY

FILED Stamped: 2 JUN 27

IN THE COURT OF COMMON PLEAS
ALLEN COUNTY, OHIO

JOYCE BOWERSOCK

Plaintiff

vs. DR97 01 0040

WILLIAM LEE BOWERSOCK Judgment Entry Overruling Motion

Defendant

This matter is before the Court upon the motion for division of property order filed May 3, 2002 by the Defendant, William Bowersock and the responsive pleading filed on behalf of the Plaintiff on May 17, 2002.

Mr. Bowersock's motion requests this Court to issue a division of property order dividing the Plaintiff's interest in the State Teacher's Retirement System with him.

The Court would note that while the original decision issued by this Court called for a division of each of the retirement accounts, these parties, on January 8, 1998, presented an agreement upon the record wherein each of the parties would retain any and all property presently in their possession which was inclusive of bank accounts, mutual funds, retirement accounts, life insurance and any other property.

The agreement continued to go through a division of real estate and also an exchange of cash to equalize that distribution of property.

Upon that date the Court inquired of each of the parties as to their understanding of the terms of the agreement and their voluntariness with respect to entering into the agreement.

Upon conclusion of that inquiry the Court found that each of the parties did understand the agreement and that each of the parties had knowingly entered into that agreement.

Thereafter a Judgment Entry Decree of Divorce reflecting the terms of that agreement was placed upon the record and subsequent to that time Mr. Bowersock filed an appeal which was overruled and the judgment of the Court of Common Pleas was affirmed.

To that extent, there is no interest of the Defendant, William Bowersock in the State Teacher's Retirement System benefits to be received by Joyce Bowersock and therefore William Bowersock's motion requesting an order must be overruled and dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition for the issuance of a division of property order filed May 3, 2002 shall be overruled at costs to the Defendant, William Bowersock.

Judgment for costs.

IT IS SO ORDERED.

/s/ Matt C Staley
JUDGE, MATT C. STALEY

FILED Stamped: 02 MAY 23

IN THE COURT OF APPEALS OF THE THIRD APPELLATE JUDICIAL DISTRICT OF OHIO

ALLEN COUNTY

JOYCE BOWERSOCK

PLAINTIFF-APPELLEE CASE NO. 1-02-55

v.

WILLIAM LEE BOWERSOCK JOURNAL ENTRY

DEFENDANT-APPELLANT

This matter comes before the court upon review of appellant's pro se brief filed on August 5, 2002.

By entry dated July 24, 2002, this court ordered appellant's pro se two-page brief stricken for failure to comply with the rules for a proper brief. Appellant, however, has filed essentially the same pro se brief which generally does not conform to the requirements of the appellate rules, nor sets forth any specific assignments of error for our review. See App.R. 16(A). Accordingly, there being no proper brief from appellant, the appeal should be dismissed for want of prosecution. See App.R.18(C) and Loc.R.15(D).

It is therefore ORDERED that appellant's brief filed August 5, 2002 be, and hereby is, stricken from the file.

It is further ORDERED, ADJUDJED and DECREED that the appeal be, and hereby is, DISMISSED at the costs of the appellant for which judgment is rendered and that this cause be, and hereby is, remanded to the trial court for execution of the judgment for costs.

/s/ Stephen R Shaw

/s/ Thomas Bryant

/s/ Ronald E Hadley
JUDGES

DATED: September 5, 2002

/jlr

IN THE COURT OF APPEALS OF THE THIRD APPELLATE JUDICIAL DISTRICT OF OHIO

ALLEN COUNTY

JOYCE BOWERSOCK

PLAINTIFF-APPELLEE CASE NO. 1-02-55

v.

ASSIGNMENT

WILLIAM LEE BOWERSOCK

AUGUST 20, 2002

DEFENDANT-APPELLANT

TO ALL PARTIES:

The above captioned case is assigned to be heard on the merits by a panel consisting of Judges Shaw, Bryant and Hadley on Tuesday, September 10, 2002 at 9:00 a.m. in Lima, Ohio.

Local Rule 13--REQUEST FOR ORAL ARGUMENT MUST BE RECEIVED AT THIRD DISTRICT COURT OF APPEALS, 204 NORTH MAIN STREET, LIMA, OHIO 45801 BY AUGUST 30, 2002.

Copies of this notice are being mailed to the following:

WILLIAM LEE BOWERSOCK, In Propria Persona, 1806 Lakewood Avenue, Lima, Ohio 45805

PAUL D. RIZOR, Attorney at Law, 1045 Mackenzie Drive, Lima, Ohio 45805

/s/ Gregory B Miller
Court Administrator

ASSIGNMENTS FOR TUESDAY, SEPTEMBER 10, 2002

AT LIMA, OHIO

(PANEL#3-SHAW, P.J., BRYANT AND HADLEY)

9:00 A.M.

APPT. 9-02-36 Chelsea v. Cramer, et al

APPT. 14-02-04 Yeung v. Neumeier, et al.

APPE. 17-02-20 State of Ohio v. Randy Cathcart

APPT. 3-02-16 State of Ohio v. Robert Martin

BOTH 5-02-25 Bell v. Bell

SUB. 5-02-33 Brondes v. International Union Police Assn
This is an accelerated case!

APPE. 8-02-14 State of Ohio v. Ryan Rose

IN THE COURT OF APPEALS FOR THE THIRD

JUDICIAL DISTRICT ALLEN COUNTY, OHIO

CASE NO. CA2002 0055
REGULAR CALENDAR

ALLEN COMMON PLEAS CASE NO. DR(& 01 0040

JOYCE A. BOWERSOCK,

Plaintiff/Appellee,

v. On Appeal

WILLIAM LEE BOWERSOCK, Regular Calendar

Defendant/Appellant.

Brief of Appellant

Paul D. Rizor(0021102)
1045 Mackenzie Drive
Lima, Ohio 45805-1660
Counsel for Plaintiff/Appellee
Joyce A. Bowersock

William Lee Bowersock
1806 Lakewood Avenue
Lima, Ohio 45805-3105
Pro se Appellant

Defendant/Appellant, pro se in propria persona albeit physical disabilities with leave files brief on appeal. A notice of appeal for the present matter was filed on June 24, 2002. This Court has jurisdiction to remand the action to the Domestic Relations Division of The Court of Common Pleas of Allen County, Ohio with order for Clerk of Court of The Allen County Court of Common Pleas at Lima, Ohio to prepare a certified Division of Property Order,(DOPO) to be forwarded to the State Teachers Retirement System of Ohio (STRS) in Columbus, Ohio on retirement account of the appellee, Joyce A. Bowersock, for appellant, William Lee Bowersock.

The Domestic Relations Division of Allen County Common Pleas usurped its discretion in denying appellant's request for a DOPO. The Domestic Relations Court did incorrectly in this matter decide the facts. Ours in these United States of America is a system that is designed to correct injustice. No court should ever be allowed to take away the retirement life, liberty, or property of a party without any just cause. Ohio Substitute House Bill 535 into effect January 1, 2002, provides under Ohio Revised Code sections 3105.80-3105.90 et al. as regards retirement funds and the STRS. The lower court should apply the new law and become acquainted with the new law. There never was a division of property herein to have any complete understanding of specific details of the lump sum distribution as in this matter. The judgment of the lower court was wrong. There was a deposition of defendant/appellant scheduled in the court room of the Allen Common Pleas Court. It appeared to the appellant to be

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a method of intimidation toward the defendant then and now to schedule a deposition in the Allen court room. The presiding judge of the Domestic Relations Division Court in the case in lower court attended the deposition. The judge threatened the defendant appearing in a pro se and defendant took notice in mind of difficult procedure ahead. The defendant persevered with respect for system. Defendant's understanding was to do what the lower court ordered or suffer ramifications the court would sanction. And, there is no way of having understanding in 1997 and in 1998 of a law which will be enacted and take effect in 2002. Herewith, the appellant briefs this COURT.

In conclusion, defendant/appellant appeals to COURT to find there is merit from within discovery before to REMAND the matter herein to Domestic Relations Division of Allen County Common Pleas Court of Ohio with a Order for Clerk of that COURT to vacate the judgment in this matter of the DOPO and to prepare Division of Property Order certified for a forwarding to the State Teachers Retirement System of Ohio according to the law of Ohio.

/s/ William Lee Bowersock
William Lee Bowersock, pro se
1806 Lakewood Avenue
Lima, Ohio 45805-3105
telephone: 419 227-3117

FILED stamped: August 5, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the fore-
ing brief of appellant was served upon
laintiff/appellee counsel by placing a copy
n a ordinary United States Postal Service
irst class to Paul Rizor @ the office on
045 MAckenzie Drive in Lima, Ohio 45805-1660
n the date August 5, 2002.

/s/ William Lee Bowersock
William Lee Bowersock, pro se
1806 Lakewood Avenue
Lima, Ohio 45805-3105
telephone: 419 227-3117

IN THE SUPREME COURT OF OHIO

William Lee Bowersock, Appellant,	:	Case No. 02-1818
V.	:	Court of Appeals
	:	Case No. 1-02-55
Joyce A. Bowersock, Appellee.	:	MOTION FOR RECONSIDERARION

APPELLANT'S MOTION FOR RECONSIDERATION

William Lee Bowersock, pro se
In Propria Persona
1806 Lakewood Avenue
Lima, Ohio 45805-3105
telephone: (419) 227-3117

APPELLANT

Paul D. Rizor
Attorney @ Law
Reg. No. (0021102)
1045 Mackenzie Drive
Lima, Ohio 45805-1660

COUNSEL FOR APPELLEE

FILED Stamped: FEB 10 2003

Appellant, William Lee Bowersock, pro se in propria persona albeit physical disabilities, herewith files with Honorable Supreme Court of Ohio a MOTION FOR RECONSIDERATION for the court to hear the case, for the court to grant jurisdiction to hear a discretionary appeal, and for the court to rule herein that a substantial constitutional question arises: Can a court take away retirement life, liberty, and property of a party without any just cause? The case herein presents the former question. The three factors of the equation, life, liberty, and property, form a basis of any party rights in Ohio or within these United States of America. This case is about closing out life otherwise known as the retirement years with dignity. It's what the Ohio legislature envisioned and enacted into Ohio law. It's completion with success in conclusion of a "HOUSE BILL" and onto the books of the Ohio Revised Code. It's all about the law in Ohio. It's legal issue. It's a substantial constitutional question.

This case should be the focus of The Supreme Court of Ohio now. This case is probably one of the first on the new law herein to go into court and to appeal, since the new law was enacted. For a court to act otherwise would be to be indifferent to retirement life, to be hostile toward liberty, and to overlook the property rights of a party in litigation.

Respectfully, the appellant requests this court to sustain his motion for reconsideration and to grant the jurisdiction to hear the case.

in re: signature and certification
of service

Respectfully submitted,

/s/ William Lee Bowersock
William Lee Bowersock, pro se
In Propria Persona
1806 Lakewood Avenue
Lima, Ohio 45805-3105
telephone: (419) 227-3117

CERTIFICATION OF SERVICE

I hereby certify that a copy of this MOTION FOR RECONSIDERATION was personally placed in mail by ordinary United States Postal Service first class to the counsel for appellee, Paul D. Rizor, at address 1045 Mackenzie Drive, Lima, Ohio 45805-1660 on date February 10, 2003.

/s/ William Lee Bowersock
William Lee Bowersock, pro se
In Propria Persona
1806 Lakewood Avenue
Lima, Ohio 45805-3105
telephone: (419) 227-3117

(EXCERPTS FROM TITLE 28 USC SECTION 1254)

Courts of appeals; certiorari; certified questions.

Cases in the courts of appeal may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(EXCERPTS FROM TITLE 42 USC SECTION 1981)

Equal rights under the law

(a) All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, priviledges, terms, and conditions of the contractual relationship.

(c) The rights protected by this section are protected against impairment under color of State law.

(EXCERPTS FROM TITLE 42 USC SECTION 1983)

Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, priviledges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or ommission taken in such offier's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

EXCERPT FROM CONSTITUTION OF THE UNITED STATES AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizen's of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the priviledges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.